

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

18 AUGUST 1998

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Nancy Mincello, Robert V. Perkins and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Jesse L. Warren, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Darryl Holsey, employee in the Parks and Recreation Department, who served as courier for the meeting.

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Mayor Allen introduced and Councilmember Burroughs-White read into the minutes a resolution honoring the memory of James Paul Davis and expressing the gratitude of the people of Greensboro for his public service.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

155-98 RESOLUTION HONORING THE MEMORY OF JAMES (JIM) PAUL DAVIS AND EXPRESSING THE GRATITUDE OF THE PEOPLE OF GREENSBORO FOR HIS PUBLIC SERVICE

WHEREAS, the City Council and the people of Greensboro are greatly saddened by the untimely death of James (Jim) Paul Davis at the age of fifty-seven;

WHEREAS, Jim Davis, a native of Kinston, NC and graduate of N.C. A&T State University, and ex-marine was Director of the Guilford County Juvenile Detention Center for 30 years;

WHEREAS, under Jim’s leadership the Guilford County Juvenile Detention Center was a pioneer and one of the most successful local juvenile detention centers in North Carolina;

WHEREAS, in addition to his honorable and dedicated service with Guilford County, Jim was actively involved in a wide range of civic affairs of Greensboro and Guilford County, including service on the Greensboro School Board from 1978 through 1982 and as Chairman of that Board from 1987 through 1993; Chair of the Greensboro Human Relations Committee; Chair of the Greensboro Mental Health Association, and leadership roles with the Black Child Development Institute and United Way;

WHEREAS, Jim was also an avid supporter of the Girl Scouts and was active with the Laughlin Memorial United Methodist Church, serving on the Altar Guild and with the United Methodist Men and various youth ministries;

WHEREAS, the dedication of this ex-Marine and N.C. A&T State University graduate to the youth of Greensboro and Guilford County and State of North Carolina and his calm deliberate leadership style were hallmarks of his County and civic service;

WHEREAS, even though his presence in this community will most certainly be missed, his life and example will be an inspiration to those who shared his vision and benefited from his dedication to the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the people of Greensboro, a deep sense of loss and a feeling of respect and esteem for the life of this devoted citizen and public servant.
2. That a copy of this resolution shall be delivered to the family of Jim Davis as a symbol of the gratitude of the people of Greensboro for his outstanding public service.

(Signed) Yvonne J. Johnson

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Mayor Allen introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances to change the date of the City Council meeting from 1 September 1998 to 31 August 1998 at 6:00 p.m.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-118

AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEMBERS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing the regular meeting date of the City Council of 1 September 1998 to 31 August 1998.

Section 2. That all laws and clauses of laws in conflict of the provision of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective immediately upon adoption.

(Signed) Sandy Carmany

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Mayor Allen explained the Council Procedure for Conduct of the Meeting.

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Mayor Allen stated that this was the time and place set for a public hearing to consider the closing of Gorrell Street between Sampson Street and Bennett Street. The Mayor advised this matter was continued from the May 5 and June 2, 1998 meetings of Council. The Mayor also introduced, so the matters could be discussed together, a Resolution to authorize Joint Agreement with Bennett College for Gorrell Street access following the closing thereof.

The Manager explained the unique compromise prepared for Council's consideration whereby, at the request of Bennett College, this portion of Gorrell Street would be closed on a 24-month trial basis. He advised that staff's concerns with respect to the movement of emergency vehicles through the area had been addressed because no barrier gates would be permitted and this traffic could move through the area unimpeded. The Manager also explained the manner in which GTA buses, school buses and other vehicular traffic would be diverted to Lee Street and other neighborhood streets. He further advised that if the street were closed, the effective date would be 1 November 1998, to allow Greensboro Transit Authority to hold a public hearing with regard to the change in bus routes.

Reviewing the College's plans to staff with security guards this portion of the street 24 hours per day, seven days per week, the City Manager stated that these guards would advise citizens that the street was closed and assist with emergency vehicle traffic. He also advised that Bennett College would reimburse the City in an amount not to exceed \$75,000 for necessary signage and traffic signals, and the College would be responsible for maintaining City standards for the street.

The City Manager reiterated that this street closing was a 24-month experiment during which time, at the discretion of Council, the street could be re-opened if any problems occurred. He also advised that liability for the closed portion of the street would be solely the responsibility of Bennett College.

Mayor Allen asked if anyone wished to be heard.

Gloria Scott, President of Bennett College, spoke in favor of the street closing. She spoke to the College's study of the area and of plans to help beautify the entire area; she expressed concern with respect to the safety of Bennett College students and stated this action would provide additional security for the students and have minimal impact on the area.

Kimberly Peoples, residing at 4219-A Romaine Street, spoke in favor of the street closing.

J. H. McBaine, residing at 603 Kimberly Drive and owner of property in the area, questioned the timing of the closing of this street. He spoke to problems the street closing would create and stated that this proposal was not related to the Redevelopment plans for this area. Mr. McBaine encouraged Council to consider the overall picture and consider less drastic action to address area concerns.

The following individuals spoke in opposition to the street closing:

James Goins, residing at 417 Bennett Street, distributed to Council a petition purportedly signed by citizens who opposed the closing. Mr. Goins expressed concern that the street closing would create a hardship for elderly residents and could have a negative impact on emergency services for the area. He further stated that no documentation had been presented to prove that problems at Bennett College were created by Gorrell Street being open to the public. Mr. Goins spoke to the neighborhood perception that residents would be banished from this portion of the street and also expressed concern that area residents were insulted by the inference that people who used the street were creating problems for the College. He also stated that it was his opinion that Bennett College should use the money that would be spent on signage and traffic signals if the street were closed to provide additional security/surveillance for the College.

Arthur Cole, residing at 2504 Black Forest Trail, Atlanta, GA, and owner of property in the area, expressed concern with respect to the negative impact the street closing would have on the neighborhood and emergency services to residents in the area. He also suggested the College provide additional security guards for the campus.

John Vines, Jr., residing at 1102 Gorrell Street, expressed concern with the hardship this closing would create for older residents and people who regularly walk in the area; he advised that area traffic had decreased since stores on the street had been closed.

Frank York, residing at 3004 Madison Avenue, stated this was one of the oldest streets in Greensboro and should provide access for the citizens. He further stated that because the Redevelopment Commission had been successful in efforts to rehabilitate the street, the area should be more crime free. Mr. York also stated he believed more houses would be built in the area, combined with the use of the Depot as a transportation center, would create more traffic for the area. Speaking to the successful use of walkways in other areas of the City, he suggested Bennett College construct a walkway over Gorrell Street for student access and install a chain link fence with manned security gates around the College to provide additional security.

Johnnie Izzard, residing at 454 Plott Street, expressed concern with respect to elderly residents and the re-routing of buses that serve this area.

Carolyn Williams, residing at 619 Watson Street and President of the Gorrell Street Council, expressed concern that the street closing would cause additional diversity in the area, create alternate traffic routes on Lee Street and through neighborhood streets, and would negatively impact elderly citizens and residents who consistently walk and drive on this street. She spoke to Redevelopment Commission efforts to rehabilitate the area, reiterated the neighborhood's desire to beautify all of Gorrell Street and advised that Police Department information had shown a decrease in crime in the area. Ms. Williams stated that because the street closing had been defeated in the past, residents had believed they would not have to again address this issue. She spoke to the desire to beautify the Gorrell Street area and requested that Bennett College work with the community to make it successful. Ms. Williams stated that, in her opinion, Bennett College should address crime on its campus and residents should not be punished because of the College's problems.

Larry Haywood, residing at 319 Apt. D Cumberland Street, stated that he believed the street closing would not address security problems at Bennett College. Mr. Haywood emphasized that area residents don't support the street closing. He offered a number of issues for Council's consideration: how the City could compromise the safety and well-being of area residents, who would be liable if emergency vehicle access was delayed on the closed street, and the negative impact on residents—particularly the elderly—if bus service for the area were changed. Mr. Haywood presented a petition purportedly signed by area residents who oppose the closing of this portion of Gorrell Street and used pictures to illustrate the traffic on the street. He emphasized that the neighborhood was ready to pursue other avenues of action if the street were closed.

John H. Tasker, Jr., residing at 2329 Pinecroft Road and developer of property located on the north side of King Street, detailed the Redevelopment efforts to revitalize property in this area and the vision for the area's future. He spoke to the number of citizens who used this street to shop and go to work, questioned the process through which this street closing had come to Council for consideration, and stated that closing this street was not conducive to a great community. Mr. Tasker stated that prior efforts to involve Bennett College in some projects for this area had been unsuccessful and that, in his opinion, closing this street would have no impact on crime at the College.

Mary Hector, residing at 1604 Woodbriar Avenue, expressed concern with the negative impact this street closing would have on the residents who frequently use the street and the problems that would be created by the re-routing of traffic on Lee Street and through other residential streets. She advised Redevelopment plans for the area had resulted in the closing of her business on Gorrell Street. Ms. Hector also spoke to Bennett College facilities and activities.

Council discussed extensively with staff and speakers various strong concerns and opinions with respect to the request to close a portion of Gorrell Street. Council discussed the impact the street closing would have on emergency vehicle traffic, Greensboro Transit Authority buses, school bus traffic, area residents, and the general public. Further discussion was held regarding the closing of this portion of Gorrell Street for a 24-month trial period; i.e., concerns expressed by area residents; the fact that ownership of the street would change from City of Greensboro to Bennett College after that time period; Dr. Scott's vision for the area surrounding the street if the street were closed; whether communication between the College and residents with respect to this matter had taken place; and Council's desire that dialogue between the College and community be forthcoming.

Further discussion ensued regarding issues related to the street closing, i.e., the impact Redevelopment efforts had already had in the area and the desire of some individuals to allow a suitable period of time to determine the overall impact, the fact that 3,000 to 5,000 vehicles per day would be re-routed to Lee Street or other neighborhood streets as a result of this action, the liability for the street during and after the 24-month trial period, the type of additional security planned for the entrance to the campus which would also ensure that emergency vehicles would not be impeded, the feasibility of allowing walk-through traffic by neighborhood residents, the fact that GTA could not hold a public hearing with respect to re-routing traffic in the area until the street closing had been authorized, the manner in which traffic safety issues would be addressed via signage and signalization, etc.

A great deal of discussion with Dr. Scott revolved around the safety and well-being of Bennett College students, including security measures that could be undertaken or strengthened by the College, whether the City had exhausted all efforts to provide safety for the area, and suggestions made by speakers.

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The Mayor declared a recess at 8:00 p.m.

The meeting re-convened at 8:14 p.m.

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After brief discussion Councilmember Carmany moved adoption of the resolution closing Gorrell Street between Sampson Street and Bennett Street. The motion was seconded by Councilmember Johnson; the resolution was **DEFEATED** on the following roll call vote: Ayes: Allen, Johnson and Jones. Noes: Burroughs-White, Carmany, Holliday, Mincello, Perkins and Vaughan.

(A copy of the resolution as introduced and **DEFEATED** other information with respect to this matter is filed in Exhibit Drawer M, Exhibit Number 6, which is hereby referred to and made a part of these minutes.)

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Because the street closing was defeated, Councilmember Johnson moved to delete item # 8, a Resolution to authorize Joint Agreement with Bennett College for Gorrell Street access following the closing thereof. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an Ordinance rezoning from RS-12 Residential Single Family to Conditional Use—RM-8 Residential Multifamily for property located on the west side of Horse Pen Creek Road between New Garden Road and Waynoka Drive; she stated this matter was being heard after receiving a 4-0-1 vote by the Zoning Commission to recommend approval of the rezoning. The Mayor administered the oath to those individuals who wished to speak to this matter.

C. Thomas Martin, Planning Department Director provided the following staff presentation:

REQUEST

This request is to rezone property from RS-12 Residential Single Family to Conditional Use – RM-8 Residential Multifamily.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The RM-8 District is primarily intended to accommodate duplexes, townhouses, cluster housing, and similar residential uses at a density of 8.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to access to the adjoining properties from Horse Pen Creek Road.
- 2) No dwelling units shall be permitted on the subject property.
- 3) The applicant shall construct a northbound left turn lane on Horse Pen Creek Road from Garden Creek Drive to the proposed access road. Said improvements shall conform to NCDOT and GDOT guidelines.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 0.76 acre and is located on the west side of Horse Pen Creek Road between New Garden Road and Waynoka Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-12	Existing church driveway in part

along said right-of-way line S06°16'52"E 82.76 feet to a point also located along said right-of-way line; thence running away from the right-of-way line and along the arc of a curve to the right, having a radius of 152.00 feet and a chord bearing and distance of N88°13'14"W 27.10 feet to a point; thence running N83°06'20"W 7.92 feet to a point; thence running along the arc of a curve to the right having a radius of 300.00 feet and chord bearing and distance of N75°30'39"W 79.30 feet to a point; thence running along the arc of a curve to the left having a radius of 494.00 feet and a chord bearing and distance of N71°32'22"W 62.44 feet to a point; thence running N83°06'20"W 273.52 feet to a point; thence running S50°36'45"W 69.11 feet to a point; thence running along the eastern line of the property of Wedgewood Investment Corporation ("Wedgewood") as recorded in Deed Book 3480, Page 1805 in the Office of the Guilford County Register of Deeds N04°20'00"E 110.06 feet to a point; thence running away from the eastern line of the Wedgewood property S83°06'20"E 482.03 feet to the point and place of BEGINNING and containing 0.760 acre, more or less, as shown on a preliminary plat prepared June 16, 1998 by Evans Engineering, Inc.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to access to the adjoining properties from Horse Pen Creek Road.
- 2) No dwelling units shall be permitted on the subject property.
- 3) The applicant shall construct a northbound left turn lane on Horse Pen Creek Road from Garden Creek Center Drive to the proposed access road. Said improvements shall conform to NCDOT and GDOT guidelines.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Yvonne J. Johnson

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The Mayor stated that this was the time and place set for a public hearing to consider an Ordinance rezoning from RS-40 Residential Single Family to Conditional Use—Highway Business for property located on the west side of Stanley Road between Koger Boulevard and South 40 Drive (private); she advised this matter was being heard on appeal filed by Konrad K. Fish after receiving a 3-2 vote by the Zoning Commission to recommend denial of the rezoning. The Mayor administered the oath to those individuals who wished to speak to this matter.

Mr. Martin provided the following staff presentation:

REQUEST

This request is to rezone property from RS-40 Residential Single Family to Conditional Use – Highway Business.

The RS-40 District is primarily intended to accommodate single family detached dwellings at a density of 1.0 unit per acre or less.

The Highway Business District is primarily intended to accommodate retail, service, and distributive uses which are typically located along thoroughfares.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All permitted uses except no sexually oriented business or restaurant with drive through services, no live entertainment and no motor vehicle or motorcycle sales.
- 2) Only one driveway cut on Stanley Road.
- 3) No outside storage shall be permitted in connection with the operation of any business on the premises.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 1.4 acres and is located on the west side of Stanley Road between Koger Boulevard and South 40 Drive (private).

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-40	2 single family dwellings
North	RS-40	2 vacant lots
East	CU-SC	Studio Plus Hotel

South	CU-CP	Extension of Landmark Center Boulevard
West	CU-CP	Vacant, graded land

Mr. Martin stated that the Planning Department and Zoning Commission recommended denial of the request; he presented slides of the property and surrounding area.

Mayor Allen asked if anyone wished to be heard.

Konrad Fish, attorney representing the property owners, spoke in favor of the rezoning, and requested that the following conditions be added to the ordinance: 1) all buildings would be limited to one story; 2) all construction to be of brick veneer and/or stucco or a combination thereof; signage on the property shall be limited to the buildings themselves not to extend higher than the roofline; and 3) the extension of one of the other conditions and that is that the one driveway access would be located at the farthest point on this subject property from the proposed intersection of Stanley Road and Landmark Center Boulevard. Councilmember Vaughan moved that the conditions be added to the proposed ordinance. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

Mr. Fish provided highlights of the Zoning Commission meeting, spoke to the history of the property proposed for rezoning, emphasized the need to support individual property rights, and requested Council to approve the rezoning. Stating that the area had been tremendously impacted by surrounding development, he provided details of the zoning pattern in the area and stated that the Southwest Plan developed for this area had been demolished. Mr. Fish stated that although City staff had recommended against this rezoning, this was a reasonable request for this property and would have no additional negative impact on traffic, development, etc. in this area.

Becky Carrick, residing at 494 Lemons Road, Stokesdale, NC, representing her mother and other property owners, spoke in favor of the proposed rezoning. Ms. Carrick provided a history of this property, detailed unsuccessful attempts to sell the property for a realistic market value, and spoke to the proposed use of the property.

Judy Sessoms and Lorie Singer, residing at # 1 Folkstone Drive; spoke in support of the rezoning and detailed their plans for use of the property.

Glenn Wagstaff, residing at 5106 Carolwood and president of the Southwest Neighborhood Association, spoke in opposition to the proposed rezoning. Mr. Wagstaff provided reasons to support the position that the request should be denied; i.e., public safety—additional curb cuts on Stanley Road which would contribute to traffic concerns in an extremely dangerous area, standalone retail business area; and conflict of use—the development plans for the area (Corporate Park) would be severely diminished if this request were approved. He stated that while the Neighborhood Association was not opposed to reasonable development, they believed this rezoning would send the wrong message to the public and constituted spot zoning.

Mr. Martin provided the following staff recommendation:

The Planning Department recommends that this request be denied. Staff feels that the better solution for these lots would be to combine them with the property to the north and the property zoned CU-CP and develop all the property under one master plan. If combined, access to Landmark Center Boulevard only would offer a better and safer design than to have a curb cut on Stanley Road at a location which has poor sight distance, given the extreme curve to the north and the heavy traffic volume headed south. From a land use standpoint, staff feels that the Corporate Park zoning classification has been established as the final zoning pattern on this side of Stanley Road and that any rezoning should be to that district.

Council discussed at length various opinions and concerns with respect to this rezoning request; i.e., the permitted uses under the current vs. proposed zoning classification, comparisons of Corporate Park zoning vs. Highway Business zoning, references to the manner in which the Zoning Commission had addressed this request and questions of impropriety, the unique circumstances involved with this property's location and access. Some members of Council expressed particular concern with respect the limited choices that were available to the property owners.

Council discussed with Mr. Atkins the traffic pattern and concerns with respect to Stanley Road as well as the North Carolina Department of Transportation's plans to improve the Road.

The City Attorney cautioned that because Council was sitting as a quasijudicial body, it was imperative that Council find valid findings of fact, based on evidence presented at this meeting, to approve the rezoning.

Councilmember Holliday moved that the ordinance rezoning this property to Conditional Use-Highway Business be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are currently 2 curb cuts on this property and the stated conditions will limit that curb cut to 1 and actually reduce the curb cuts that are out there now.

3) That the location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because similar development exists in the entire area and the surrounding property.

The City Attorney advised that because this ordinance had received **five affirmative votes** on first reading, the ordinance would return for second reading at the 15 September 1998 meeting of Council.

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There being no one present desiring to speak to this matter, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

Section 1. That Section 30-2-1, Definition Index, is hereby amended by adding the following in alphabetical sequence:

Section 2. That Section 30-2-2.7, General, is hereby amended by adding the following definition in alphabetical sequence:

Section 3. That Section 30-2-2.7, General, is hereby amended by rewriting the last part of the definition of “Family” to read as follows: “...tourist homes, family care homes, or maternal care homes.”

Section 5. That Table 30-4-5-1, Permitted Use Schedule, is hereby amended by adding in alphabetical sequence under the Residential Uses subsection the following use to read “Maternal Care Homes (9 or less)”, by placing a “0000” entry in the Ref SIC column, by placing a “D” entry in the RM-5, RM-8, RM-12, RM-18, RM-26, LO, GOM, GOH, NB, and CB columns, and by placing a “2” entry in the LUC column.

(B) Property Separation: No such home shall be located within one-quarter (1/4) mile of an existing family care home or maternal care home.

(Signed) Yvonne J. Johnson

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Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution authorizing on the basis of petition sanitary sewer improvements on Burnt Poplar Road from Citation Court to existing 8" sanitary sewer east. The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

B-324 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

BURNT POPLAR ROAD FROM CITATION COURT TO EXISTING 8" SANITARY SEWER EAST

WHEREAS, due notice has been given that on the 18th day of August, 1998 at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the petition for the local improvements hereinafter described is hereby found to be sufficient in all respects.

B. That the local improvements to be made on the street or streets set out above are as follows:

Sanitary Sewer Improvements. That a sanitary sewer main of 8-inch size be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals (including water laterals where none exist and water main has been installed) be laid for the proper connection of abutting property.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution to be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Earl Jones

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Moving to the Consent Agenda, Mayor Allen introduced the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance amending the FY 1998-99 Annual Budget by appropriating \$10,000 from the Mabel Smith Account to fund the purchase of additional fitness equipment for the seniors fitness room of the Smith/Fairview Recreation Center;
- Ordinance establishing in the amount of \$234,625 the Grant Project Budget for Fiscal Year 1998-99 MPO Planning Work Program;
- Ordinance amending in the amount of \$651,105 the State and Federal Grants Fund Budget with respect to the Bessemer Avenue Bridge and Merritt Drive Bridge Replacement Projects;
- Ordinance establishing in the amount of \$41,800 the Grant Project Budget for the FTA Section 5303 Metropolitan Planning Grant.

Council briefly discussed the immense benefits derived through the donation by former City employee Mabel D. Smith of funds to the City's Smith/Fairview Recreation Center for various improvements/expansions.

Mayor Allen thereupon requested a motion to approve all ordinances, resolutions and motions listed on the Consent Agenda. Councilmember Vaughan moved adoption of the Consent Agenda. The motion was seconded by Councilmember Jones; the Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-119 ORDINANCE AMENDING THE FY 98-99 ANNUAL BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the General Fund Budget of the City of Greensboro is hereby amended as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-5007-12.6059	Capital Equipment	\$10,000
TOTAL:		\$10,000

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-5007-12.8620	Donations	\$10,000
TOTAL:		\$10,000

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Section 1. That the Grant Project Budget for the FTA Section 5303 Metropolitan Planning Grant be established for the life of the project as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4505-99.4000	Salaries and Wages	\$12,540
220-4505-99.4500	Fringe Benefits	3,060
220-4505-99.5000	Maintenance and Operations	<u>26,200</u>
Total		\$41,800

And, that this increase be financed by increasing the following revenue accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4505-99.7000	Federal Grant	\$33,440
220-4505-99.7110	State Grant	4,180
220-4505-99.8695	In-Kind Services	<u>4,180</u>
Total		\$41,800

(Signed) Donald R. Vaughan

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156-98 RESOLUTION CALLING A PUBLIC HEARING FOR AUGUST 31, 1998 ON THE SATELLITE ANNEXATION OF TERRITORY TO THE CITY OF GREENSBORO – LOCATED ON THE NORTH SIDE OF HORSEPEN CREEK ROAD AND THE WEST SIDE OF CARLSON DAIRY ROAD – 6.95 ACRES

WHEREAS, the owner of all the hereinafter described property, which is noncontiguous to the City of Greensboro, has requested in writing that said property be annexed to the city of Greensboro;

WHEREAS, Chapter 160a-58.1 et seq. Of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the City;

WHEREAS, at a regular meeting of the city Council on the 18th day of August, 1998, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GREENSBORO (LOCATED ON THE NORTH SIDE OF HORSE PEN CREEK ROAD AND THE WEST SIDE OF CARLSON DAIRY ROAD – 6.95 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et seq., the hereinafter described territory is hereby annexed to the City of Greensboro:

BEGINNING at a point at the intersection of the western margin of Carlson Farms Road with the northern margin of Horsepen Creek Road; thence running along said northern margin of Horsepen Creek Road, the following six (6) courses and distances, 1) S 65°38'30" W, 145.15' to a point; THENCE 2) S 64°54'30" W, 457.38' to a point; THENCE 3) S 64°21'30" W, 100.29' to a point; THENCE 4) S 63°37'00" W, 100.39' to a point; THENCE 5) along a curve to the left having a radius of 652.88', a chord bearing and distance of S 46°51'30" W, 399.10' to a point; THENCE 6) along a curve to the left having a radius of 590.65', a chord bearing and distance of S 14°47'40" W, 291.11' to a point at the northeastern corner of Carlson Farms, Inc.; THENCE along the northern line of said Carlson Farms, Inc. N 84°37'00" W, 177.94' to a point in the southern line of Greensboro Country Club Carlson Farms Golf Course; THENCE along said southern line the following six (6) courses and distances: 1) N 03°48'00" E, 80.03' to a point; THENCE 2) N 09°47'00" E, 200.00' to a point; THENCE 3) N 28°19'00" E, 170.00' to a point; THENCE 4) N 39°21'30" E, 190.00' to a point; THENCE 5) N 50°35'30" E, 170.00' to a point; THENCE 6) N 64°48'30" E, 770.00' to a point in said western margin of Carlson Dairy Road; THENCE along said western margin S 57°09'58" E, 239.17' to the point and place of BEGINNING and being an area of 6.95 acres more or less.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 1998, the liability for municipal taxes for the 1998-99 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 1999. Municipal ad valorem taxes for the 1999-2000 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Monday, August 31, 1998 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed satellite annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 20, 1998.

(Signed) Donald R. Vaughan

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157-98 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1997-23 WITH YATES CONSTRUCTION COMPANY, INC. FOR THE U.S. 70 WATER SYSTEM IMPROVEMENTS PROJECT, PHASE 2

WHEREAS, Contract No. 1997-23 with Yates Construction Company, Inc. provides for the U.S. 70 Water System Improvements Project, Phase 2;

WHEREAS, due to additional cost for encasement under the railroad crossing, the South Buffalo Creek crossing and contractor remobilization, it is necessary to make a change order in the contract with Yates Construction Company, Inc. in the amount of \$50,880.00;

WHEREAS, in order to substantially compete the contract to the point where it may be closed out in the near future, it is necessary to authorize a change order in said contract to finance the additional costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the contract with Yates Construction Company, Inc. for the U.S. 70 Water System Improvements Project, Phase 2, is hereby authorized at a total cost of \$50,880.00, payment of said additional amount to be made from Account No. 504-7027-01.6016, CBR, .002.

(Signed) Donald R. Vaughan

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158-98 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 97-000521 WITH LOMAX CONSTRUCTION OF GREENSBORO FOR THE GREENSBORO TRANSIT AUTHORITY OPERATIONS CENTER RENOVATIONS PROJECT

WHEREAS, Contract No. 97-000521 with Lomax Construction of Greensboro provides for the Greensboro Transit Authority Operations Center Renovations Project;

WHEREAS, due to the premature availability of the building, Phase II work was incorporated into the Phase I construction of this project necessitating a change order in the contract with Lomax Construction of Greensboro by including proper credits in the amount of \$108,831.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the contract with Lomax Construction of Greensboro for the Phase II portion of work incorporated into the Phase I Greensboro Transit Authority Operation Center Renovations Project, is hereby authorized at a total cost of \$108,831.00, payment of said additional amount to be made from Account No. 565-4533-01.6059, CBR, .001.

(Signed) Donald R. Vaughan

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159-98 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF WACHOVIA BANK, N.A. TRUSTEE UNDER WILL OF ALEXANDER W. McALISTER, FOR HAZEL S. McALISTER, ET AL FOR THE HORSEPEN CREEK LIFT STATION #2 PROJECT

WHEREAS, in connection with the Horsepen Creek Lift Station #2 Project, a portion of the property of Wachovia Bank, N.A. Trustee under Will of Alexander W. McAlister, for Hazel S. McAlister, et al. is required by the City for said Project, said property being as shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$39,100.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price, and it is deemed in the best interest of the City to acquire said easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above-mentioned portion of property in the amount of \$39,100.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 501-7062-01.6012, CBR, 004.

(Signed) Donald R. Vaughan

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160-98 RESOLUTION APPROVING DEVELOPMENT FUNDS FOR THE HABITAT FOR HUMANITY FOX TRAIL AND HOMEOWNER'S MODEL EXPERIMENT, INC. (HME) WILHOIT SUBDIVISIONS

WHEREAS, single-family bond funds are available to assist affordable housing providers with development of housing for low income households;

WHEREAS, on February 26, 1998, the Community Resource Board approved City single-family bond funding in the amount of \$135,254 for the Fox Trail Habitat of Humanity of Greensboro subdivision;

WHEREAS, on April 30, 1998, the Community Resource Board approved City single-family bond funding in the amount of \$85, 553 for the Wilhoit HME subdivision.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That a contract be executed with Habitat of Humanity of Greensboro for development of the Fox Trail Subdivision in the amount of \$135,254 from the single-family bond account.
2. That a contract be executed with Homeowner's Model Experiment, Inc. for development of the Wilhoit Subdivision in the amount of \$85,553 from the single-family bond account.

(Signed) Donald R. Vaughan

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161-98 RESOLUTION AUTHORIZING CHANGE ORDER NO. 98-000519 WITH CAROLINA/SPRINT TELEPHONE AND TELEGRAPH COMPANY FOR THE GUILFORD / GREENSBORO TELECOMMUNICATIONS INFRASTRUCTURE REPLACEMENT PROJECT

WHEREAS, Contract No. 98-000519 with Carolina/Sprint Telephone and Telegraph Company provides for the Guilford / Greensboro Telecommunications Infrastructure Replacement Project;

WHEREAS, in order to incorporate the installation of new Switch Gear for the new location for Child Support (Guilford County) and for the new Main Library (Greensboro) into said project, it is necessary to make a change order in the contract with Carolina/Sprint Telephone and Telegraph Company in the amount of \$128,262.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the contract with Carolina/Sprint Telephone and Telegraph Company for the installation of new Switch Gear for Guilford / Greensboro Telecommunications Infrastructure Replacement Project, is hereby authorized at a total cost of \$128,262.00, payment of said additional amount to be made from Account No. 682-2501-01.6059, CBR .012.

(Signed) Donald R. Vaughan

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162-98 RESOLUTION AUTHORIZING THE APPLICATION FOR SECTION 5309 CAPITAL

PROGRAM FUNDING, EXECUTION OF CONTRACTS WITH THE NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION AND FEDERAL TRANSIT ADMINISTRATION AND
PROVISION OF NECESSARY ASSURANCES.

WHEREAS, the North Carolina Department of Transportation will apply for grants from the U.S. Department of Transportation as authorized by Chapter 53 of Title 49, U.S.C. (Section 5309 Capital Assistance of the Transportation Equity Act for the 21st Century (TEA 21), as amended;

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation as the agency responsible for administering funds received through the TEA 21;

WHEREAS, the City of Greensboro will apply for a grant from the North Carolina Department of Transportation (NCDOT);

WHEREAS, the City of Greensboro hereby assures and certifies that it will comply with the Federal Statutes, regulations, executive orders, the Section 13© Labor Protection requirements, and all administrative requirements which relate to the application made and grant received from the Federal Transit Administration through the North Carolina Department of Transportation, as well as the provisions of Chapter 53 of Title 49, U.S.C. 5309.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Manager or his designee, of the City of Greensboro is hereby authorized to submit grant application for funding under Chapter 53 of Title 49, U.S.C., 5309, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to procure capital assets.

(Signed) Donald R. Vaughan

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Motion to make a part of the minutes report of change orders and report of budget adjustments covering period July 1 through August 5, 1998, was unanimously adopted.

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Motion to approve the minutes of regular meeting of July 21 and canceled meeting of August 4, 1998, was unanimously adopted.

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Mayor Allen introduced an Ordinance establishing a project budget for the supportive services coordinator contract for Coley-Jenkins and Morehead-Simkins Elderly Housing Complex and stated that this matter was continued from the 21 July 1998 meeting of Council. The Mayor advised that because of a change in the funding account, Council would consider instead a Resolution approving a \$21,760 Grant to Project homestead for a supportive services coordinator position at Coley Jenkins and Morehead Simkins elderly housing sites.

After brief discussion, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

163-98 RESOLUTION APPROVING A \$21,760 GRANT TO PROJECT HOMESTEAD FOR A SUPPORTIVE SERVICES COORDINATOR POSITION AT COLEY JENKINS AND MOREHEAD SIMKINS ELDERLY HOUSING SITES

WHEREAS, under Title 1 of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, the Secretary of the Department of Housing and Urban Development is authorized to make Community Development Block Grants for the conduct of Community Development Programs; and

WHEREAS, the City of Greensboro received a Community Development Block Grant for the 1997-98 fiscal year; and

WHEREAS, Project Homestead has requested a \$21,760 grant to provide a Supportive Services Coordinator Position at the Coley Jenkins and Morehead Simkins Elderly Housing Sites; and

WHEREAS, Community Development Block Grant regulations allow for the funding of new or quantifiable increases in public services under Section 570.201(e) of HUD's Community Development Block Grant regulations; and

WHEREAS, sufficient funds remain in the 1997-98 Grant account to fund Project Homestead's grant request;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;

That the 1997-98 Housing and Community Development Plan is hereby amended to include a public services grant of \$21,760 to Project Homestead for the Supportive Services Coordinator Position at the Coley Jenkins and Morehead Simkins Elderly Housing Sites.

That this amendment will be funded by moving \$21,760 from the CDBG Salaries and Wages administrative budget (Acct, #212-2298-01.4110) to a CDBG public services account (Acct. #212-2298-80.5931).

That any future requests for funding of this position would be considered by the Community Resource Board under the City of Greensboro Human Service Grants Program.

(Signed) Claudette Burroughs-White

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Mayor Allen introduced a resolution authorizing Contract 1998-18 and approving bid in the amount of \$345,375 for the Sanitary Sewer Rehabilitation Project B to Minority Enterprises, Inc.

After brief comments by the City Manager, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

164-98 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1998-18 FOR THE SANITARY SEWER REHABILITATION PROJECT 'B'

WHEREAS, after due notice, bids have been received for the sliplining of six sanitary sewer outfalls for the Sanitary Sewer Rehabilitation Project 'B';

WHEREAS, Minority Enterprises, Inc., a responsible bidder, has submitted the low base bid in the total amount of \$345,375.00 which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by the responsible bidder, Minority Enterprises, Inc., is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, a proper contract to carry the proposal into effect, payment to be made from Account No. 501-7062-01.6017, CBR .003.

(Signed) Sandy Carmany

(A tabulation of bids for the sanitary sewer rehabilitation Project 'B' is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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The Mayor introduced a resolution approving change order in the amount of \$150,059.55 in Contract 1997-12 with MAPCO, Inc. for the Isler Street Roadway Improvements Project.

After a brief explanation by Frank Wyatt, Engineering and Inspections Department, regarding the additional expense incurred for work required to stabilize the roadbed, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

165-98 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1997-12 WITH MAPCO, INCORPORATED FOR THE ISLER STREET ROADWAY IMPROVEMENTS PROJECT

WHEREAS, Contract No. 1997-12 with MAPCO, Incorporated provides for the Isler Street Roadway Improvements Project;

WHEREAS, due to the need for extensive roadbed undercut, additional surge stone and borrow excavation to build the road back to the correct subgrade elevation, it is necessary to make a change order in the contract with MAPCO, Incorporated in the amount of \$150,059.55;

WHEREAS, in order to complete the contract to the point where it may be closed out in the near future, it is necessary to authorize a change order in said contract to finance the additional costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the contract with MAPCO, Incorporated for the Isler Street Roadway Improvements Project, is hereby authorized at a total cost of \$150,059.55, payment of said additional amount to be made from Account No. 402-4531-01.6019, CBR .009.

(Signed) Earl Jones

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Mayor Allen introduced a resolution approving appraisal and authorizing purchase in the amount of \$235,000 of property of Guilford County for the Multi-Modal Transportation System Project.

After brief discussion, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

166-98 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF GUILFORD COUNTY FOR THE MULTI-MODAL TRANSPORTATION SYSTEM PROJECT

WHEREAS, in connection with the Multi-Modal Transportation System project, property owned by Guilford County is required by the City for said Project, said property being as shown on the attached map;

WHEREAS, the required property has a value finding range of \$235,000.00 to \$255,000.00 established by an independent appraiser, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City for the amount of \$235,000.00, and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above-mentioned property in the value finding range of \$235,000.00 to \$255,000.00 is hereby approved, and the purchase of the property in the amount of \$235,000.00 is hereby authorized, payment to be made from anticipated State and Federal Transportation Grant Funds.

(Signed) Sandy Carmany

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Mayor Allen introduced an Ordinance amending Chapter 29 of the Greensboro Code of Ordinances with regard to amending the fees for setting meters.

After the Manager advised this action involved a minor change in policy to offset the cost of unmetered water used by contractors at construction sites, Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-123 ORDINANCE AMENDING CHAPTER 29

AN ORDINANCE AMENDING CHAPTER 29 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO WATER RESOURCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1: That Section 29-46 of the Greensboro Code of Ordinances is hereby amended to read as follows:

“Charge for setting a meter when lateral has been run to property and meter box and meter setter have been set shall be as follows:”

<u>Meter Size (in inches)</u>	<u>Cost</u>
5/8	\$60.00
5/8 (new construction)	70.00
3/4	80.00
1	115.00
1 ½	280.00
2	335.00
3	per cost
4	per cost

Section 2: That this ordinance shall become effective on and after September 1, 1998.

Section 3: That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Earl Jones

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After the Mayor introduced an Ordinance amending the FY 1998-99 Annual Budget to appropriate \$12,000 for line connection charges in the Water Resources Fund Budget, Councilmember Holliday moved its adoption. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-124

ORDINANCE AMENDING WATER RESOURCES FUND BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That of the Water Resources Fund Budget of the City of Greensboro is hereby amended as follows:

That an appropriation for the Water Resources Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
501-7063-01.5621	Maint/Repair of Equipment	\$12,000

and, that this increase be financed by increasing the following account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
501-0000-00.8010	Line Connection Charges	\$12,000

(Signed) Keith A. Holliday

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Mayor Allen introduced an Ordinance amending the FY 1997-98 Annual Budget to appropriate \$375,000 from increased revenues to complete year-end expenditures for the War Memorial Coliseum.

After a brief explanation by the City Manager, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-125

ORDINANCE AMENDING THE FY 97-98 WAR MEMORIAL COLISEUM FUND BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 97-98 War Memorial Coliseum Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the War Memorial Coliseum be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
521-7510-01.5621	Maint/Repair of Equip	\$10,000
521-7520-05.4140	Roster Wages	25,000
521-7520-05.5428	Contracted Medical Serv	25,000
521-7530-02.5414	Temporary Services	65,000
521-7530-03.4210	Overtime	25,000
521-7530-03.5239	Miscellaneous Supplies	50,000
521-7531-01.5279	Promotions – Other	70,000
521-7531-01.5419	Other Services	10,000
521-7550-02.5271	Purchases for Resale	<u>95,000</u>
		\$375,000

and, that this increase be financed by increasing the following War Memorial Coliseum accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
521-7520-05.7580	Parking	\$150,000

521-7530-05.7700	Concessions	100,000
521-7530-05.7771	House Staff and Labor	<u>125,000</u>
		\$375,000

(Signed) Yvonne J. Johnson

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Mayor Allen introduced an ordinance amending the FY 1998-99 Annual Budget to appropriate \$3,830,000 for equipment leasing program and land acquisition in connection with the previous Issuance of Certificates of Participation.

The City Manager and Mitchell Johnson, Director of Technologies and Facilities Department, and the City Attorney briefly explained and discussed with some Members of Council this action regarding the financing for solid waste safety equipment and acquisition of the Brown property for Coliseum parking. They detailed portions of the contract for the Brown property; Mr. Johnson also provided a brief status report regarding the design efforts for the project.

After brief discussion Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: Carmany.

98-126

ORDINANCE AMENDING THE FY 98-99 ANNUAL BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 98-99 Annual Budget of the City of Greensboro is hereby amended as follows:

I: That the appropriation for the Capital Leasing Fund be increased as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
686-1001-02.6011	Land	\$1,700,000
686-1001-02.6054	Equipment	<u>2,130,000</u>
	Total	\$3,830,000

and that this increase be funded by increasing the following revenue account:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
686-1001-02.9000	Lease-purchase proceeds	\$3,830,000

(Signed) Earl Jones

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Mayor Allen introduced a resolution accepting deed from Redevelopment Commission for lot located at 547 Plott Street and authorizing conveyance to Gate City Community Development Corporation, subject to contract with restrictive covenants.

After brief discussion with Dan Curry, Housing and Community Development Department, and the City Attorney regarding the distribution of lots in this area, the fact that Gate City Community Development Corporation had right to first refusal, and the right of the City to modify or change the existing agreement, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

167-98 RESOLUTION ACCEPTING DEED FROM REDEVELOPMENT COMMISSION FOR THE LOT LOCATED AT 547 PLOTT STREET AND AUTHORIZING CONVEYANCE TO GATE CITY COMMUNITY DEVELOPMENT CORPORATION, SUBJECT TO CONTRACT WITH RESTRICTIVE COVENANTS

WHEREAS, at a meeting of the Redevelopment Commission held July 21, 1998, conveyance of the lot located at 547 Plott Street to Gate City Community Development Corporation was approved;

WHEREAS, since the Redevelopment Commission cannot directly convey property to a nonprofit sponsor, it will be necessary for the lot to be deeded first to the City of Greensboro for subsequent conveyance to Gate City Community Development Corporation;

WHEREAS, it is deemed to be in the best interest of the City to accept the deed from the Redevelopment Commission for the lot located at 547 Plott Street and to authorize reconveyance to Gate City Community Development Corporation, subject to contract with restrictive covenants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

- 1. That it does hereby approve the acceptance of a deed from the Redevelopment Commission for the lot mentioned above.
- 2. That, pursuant to legal authority contained in G.S. 157-3(12), G.S. 160A-209(c)(15)(a), G.S. 160A-456, and G.S. 160A-457, all of which relate to the public purpose of providing housing for low- and moderate-income persons, the reconveyance of the above mentioned lot to Gate City Community Development Corporation is hereby approved and, in accordance with G.S. 160A-279, the Mayor and City Clerk are hereby authorized to execute the necessary deed of conveyance to carry the proposal into effect.
- 3. That, in accordance with G.S. 160A-20.1, the City Manager and City Clerk are hereby authorized to execute a contract with restrictive covenants with Gate City Community Development Corporation for the construction and sale of residential housing for low- and moderate-income persons.
- 4. That, in accordance with the requirements of G.S. 160A-267, this resolution shall be published once after its adoption as notice of the conveyance, and no conveyance shall be consummated hereunder until ten (10) days after its publication.

(Signed) Earl Jones

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The Mayor introduced an ordinance establishing in the amount of \$192,000 Grant Project Budget for the Mobile Source Emissions Reduction Grant.

After a brief explanation by the City Manager concerning the experiment with natural gas vans to reduce emissions and the funding source, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

98-127 ORDINANCE ESTABLISHING GRANT PROJET BUDGET FOR THE MOBILE SOURCE EMISSIONS REDUCTION GRANT

Section 1. That the Grant Project Budget for the Mobile Source Emissions Reduction Grant be established for the life of the project as follows:

<u>Amount</u>	<u>Description</u>	<u>Amount</u>
565-4537-01.6051	Vehicles	\$ 67,000
565-4537-01.6059	Other Capital Equipment	<u>125,000</u>
Total		\$192,000

And, that this increase be financed by increasing the following revenue accounts:

<u>Amount</u>	<u>Description</u>	<u>Amount</u>
565-4537-01.7110	State Grant	\$100,000
565-4537-01.8620	Private donations	25,000
565-4537-01.9564	Transfer from Transit Fund	<u>67,000</u>
Total		\$192,000

(Signed) Earl Jones

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After Mayor Allen introduced a resolution supporting the Greensboro Community Initiative Position Statement to provide high quality education for all children in Guilford County, Councilmember Jones moved that this matter be continued to the September 15 meeting in order to allow time to clarify certain issues. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of the Council.

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The Mayor introduced a resolution approving bid and authorizing contract for the construction of the Coliseum Club Room.

The City Manager explained that the agreement with the NHL Hockey franchise required the creation of the Club Room which would provide premium seat holders access to the facility prior to and after hockey games. He further advised this would be used as a marketing tool for other events and provided details regarding the cost of the project. In response to an inquiry from Councilmember Carmany, the Manager spoke to the overall financial condition of the Coliseum. Council also discussed with Mr. Johnson the contractual details, particularly efforts to expedite this construction project which could result in additional costs.

After further discussion, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: Carmany.

168-98 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 98-000537 FOR THE COLISEUM CLUB ROOM CONSTRUCTION PROJECT

WHEREAS, after due notice, bids have been received for the construction of the Coliseum Club Room in the Coliseum Arena;

WHEREAS, Greensboro Contracting, a responsible bidder, has submitted the low base bid for the construction in the total amount of \$498,400.00 which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by the responsible bidder, Greensboro Contracting, is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, a proper contract to carry the proposal into effect, payment to be made from Account No. 521-7560-03.6059, CBR .001.

(Signed) Earl Jones

(A copy of the tabulation of bids for the Coliseum Club Room Construction Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Mayor Allen introduced a resolution authorizing change order in the amount of \$68,478 with Starr Electric Company to complete installation of the 3-M Book Security System in the new Main Library.

After a brief explanation by the City Manager, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

169-98 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 96-000563 WITH STARR ELECTRIC CO. FOR THE GREENSBORO PUBLIC LIBRARY PROJECT

WHEREAS, Contract No. 96-000563 with Starr Electric Co. provides for the electrical construction for the Greensboro Public Library Project;

WHEREAS, due to the project team recommendation for the purchase and installation of a 3-M Book Security System, it is necessary to make a change order in the contract with Starr Electric Co. in the amount of \$68,478.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the contract with Starr Electric Co. for the Greensboro Public Library Project, is hereby authorized at a total cost of \$68,478.00, payment of said additional amount to be made from Account No. 433-5502-01.6059, CBR .003.

(Signed) Claudette Burroughs-White

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After introduction by the Mayor of a resolution approving bid and authorizing Contract #98-000532 with American Interfile & Library Services, Inc. in the amount of \$123,830 for the Library Collections Relocation Project, Councilmember Vaughan moved its adoption. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

170-98 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 98-000532
FOR THE RELOCATION OF LIBRARY COLLECTIONS PROJECT

WHEREAS, after due notice bids have been received for the moving of library collection to the new facility and re-index and install the collection for the Relocation of Library Collections Project;

WHEREAS, American Interfile and Library Services, Inc., a responsible bidder, has submitted the low base bid in the total amount of \$123,830.00 which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by the responsible bidder, American Interfile and Library Services, Inc., is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, a proper contract to carry the proposal into effect, payment to be made from Account No. 433-5502-01.6059, CBR .003.

(Signed) Donald R. Vaughan

(A copy of the bid for the relocation of Library Collections Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Councilmember Burroughs-White requested Council to consider funding in the amount of \$63,750 the Ole Asheboro Neighborhood proposal offered at an earlier meeting.

Nettie Coad, residing at 706 Martin Luther King Jr. Drive, spoke to the work of that neighborhood and their funding request; she requested Council to provide \$63,750 to establish a neighborhood office for the area and provide seed money for the group’s acquisition of funding grants.

The Manager, other members of Council and Mr. Curry advised they were unaware that this matter would be discussed at this meeting. Discussion ensued regarding the earlier denial of this proposal by the Community Resource Board (CRB); the treatment of various groups that had submitted funding proposals; i.e., encouraging some groups to work together while funding other requests; the confusion that existed regarding the entire funding process and sources for various requests—including funds that were available and had not been allocated; and allocation of funds for various neighborhood human services groups. Assistant City Manager Mona Edwards provided information regarding CRB recommendations, and Mr. Curry provided a brief history of requests for funding from neighborhood groups and the process by which funding had been allocated. Councilmember Vaughan requested that documentation regarding the use of these funds being discussed be provided to Council.

After the City Attorney requested that Council instruct staff to bring back the appropriate budget action for Council’s consideration, Councilmember Burroughs-White moved that this item be placed on the August 31 Council agenda for action by Council. The motion was seconded by Councilmember Jones and approved unanimously by voice vote of the Council.

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Councilmember Perkins moved that the Center for Champions funding request in the amount of \$20,000 be referred to the CRB for consideration of funding from the \$50,000 not allocated to the Productivity Management Group. The motion was seconded by Councilmember Johnson and approved unanimously by voice vote of the Council.

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Councilmember Johnson requested Council to consider funding in the amount of \$800 a number of young people to attend the Million Youth Movement to be held in Atlanta, GA; she spoke briefly to the purpose of the event.

Tanya Mitchell, residing at 1700 Bluford Street, provided information about this program, spoke to the diversity of the young people who would participate in this religious/cultural event, and detailed the goals and objectives of the event to inspire young people to become great citizens and prepare for future leadership.

After brief discussion, Council requested that the City Attorney review information regarding this event and provide recommendations to Council.

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Councilmember Johnson added the name of Horace Williams to the boards and commissions data bank for possible future service on the Human Relations Commission.

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Councilmember Carmany moved that Bill Guill be appointed to fill unexpired portion of term of Kaye Graybeal on the Guilford County Joint Historic Properties Commission; this term will expire 15 August 2001. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

Councilmember Carmany requested Council's assistance in filling with a qualified individual the District 5 vacancy on the Board of Electrical Examiners.

Councilmember Carmany advised that citizens' concerns with respect to slaughtering livestock in City neighborhoods had been referred to the Guilford County Health Department.

Councilmember Carmany requested the Manager to schedule a briefing to enable the Police Chief to share directly with Council his plans for that department, including any plans for full service precincts and cost involved for implementation of plans.

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Councilmember Burroughs-White commended staff for the completion of the Bessemer Street Bridge project.

After Councilmember Burroughs-White advised of citizens' calls with respect to debris in the Woodmere Park/King's Forest area, discussion was held regarding the overall storm debris policy. Assistant City Manager William Harrell advised he would provide to Council a brief overview of the current City policy which had been successful in addressing the majority of neighborhood concerns.

Councilmember Burroughs-White requested staff to investigate reports of odors in the area of 16th Street.

In response to an inquiry by Councilmember Burroughs-White, Richard Atkins, Director of the Department of Transportation, stated the resurfacing of Franklin Boulevard would be a State project.

Stating that she had received reports that Duke Power had plans to cut power on South Elm Street in the next few days, Councilmember Burroughs-White requested staff to investigate.

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Councilmember Perkins directed that an item be placed on the August 31 agenda regarding increasing the number of Zoning Commission members from 7 to 9; he requested that Council debate and resolve this issue at that time.

Councilmember Perkins reviewed the recent Parks and Recreation Commission meeting at which time the future of the War Memorial Stadium was debated. He noted key points discussed at the meeting were that there was no vision or plan for future use of the facility and the feasibility of removing renovation of the facility from the Parking and Recreation bond discussions for the year 2000 to avoid the effect pros and cons of the facility could have on the voting public and address separately the Stadium needs.

Council expressed concern for the current condition of the War Memorial Stadium and discussed at length conflicting opinions and concerns with respect to the future of the War Memorial Stadium, i.e., whether the facility should be used for professional baseball; the need to address the condition of the historical facility, tennis courts and parking area; the impact the Stadium could have on the future proposed parks and recreation bond, etc. It was also suggested that a city-wide citizens' group might be used to consider alternates for the future of Memorial Stadium.

After lengthy discussion, it appeared to be the consensus of Council that the Manager should prepare a plan (vision) for the next 10-15 years for the War Memorial Stadium; the tentative due date for the Manager's report was scheduled for January, 1999.

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Councilmember Mincello moved that Remus Turner be appointed to serve a three-year term on the Parks and Recreation Commission; this term will expire 15 August 2001. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

Councilmember Mincello moved that Maureen McDonnell be appointed to serve a three-year term on the Zoning Commission; this term will expire 15 August 2001. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

Councilmember Mincello thereupon expressed appreciation to Philip Segal, former Parks and Recreation Commission member, and George Campbell, former Zoning Commission member, for their excellent service on the Commissions.

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The Mayor advised the 1998 North Carolina League of Municipalities Annual Conference would be held in Charlotte on October 18-20. She stated this was an excellent opportunity for making contact with other municipal officials from other North Carolina cities.

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The City Manager advised that on Tuesday, September 1, 1998, at 6:00 p.m. on the Guilford Technical Community College Jamestown Campus, a public hearing would be held involving the reclassification of the Deep River and Randleman Lake for use as a public drinking water supply. He encouraged citizens who support this project to attend the briefing.

Councilmember Holliday requested staff to provide a brief chronology of the history of the Randleman Dam project for Council’s use in addressing citizens’ inquiries.

The Manager reviewed the schedule and topics for the August 25 briefing and encouraged Council’s attendance.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 11:20 P.M.

CAROLYN S. ALLEN
MAYOR

JUANITA F. COOPER
CITY CLERK

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